

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHNNY CURTIS PALMER,

Plaintiff,

v.

M. MELENDREZ,

Defendant.

Case No.: 1:22-cv-00800-KES-CDB

**ORDER TO SHOW CAUSE WHY ACTION
SHOULD NOT BE DISMISSED FOR
PLAINTIFF'S FAILURE TO OBEY COURT
ORDER**

14-DAY DEADLINE TO RESPOND

Plaintiff Johnny Curtis Palmer is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

I. INTRODUCTION

The Court issued its Order re Consent/Decline of U.S. Magistrate Judge Jurisdiction on August 13, 2024. (Doc. 28.) The parties were directed to complete and return the form within 30 days. (*Id.* at 3.)

On August 21, 2024, Defendants filed a completed Consent/Decline form. (Doc. 29.) Despite the passage of more than 30 days, Plaintiff has failed to submit a completed Consent/Decline form as ordered.

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II. DISCUSSION

The Local Rules, corresponding with Federal Rule of Civil Procedure 11, provide, “[f]ailure of counsel or of a party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any and all sanctions . . . within the inherent power of the Court.” Local Rule 110. “District courts have inherent power to control their dockets” and, in exercising that power, may impose sanctions, including dismissal of an action. *Thompson v. Housing Auth., City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party’s failure to prosecute an action, obey a court order, or comply with local rules. *See, e.g., Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with a court order to amend a complaint); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130-31 (9th Cir. 1987) (dismissal for failure to comply with a court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to prosecute and to comply with local rules).

Here, Plaintiff has failed to respond to the Court’s Order issued August 13, 2024. Specifically, despite the passage of more than 30 days, Plaintiff has failed to submit a completed Consent/Decline of U.S. Magistrate Judge Jurisdiction form. Moreover, the Court notes the same form was provided to Plaintiff when the Court issued new case documents on June 30, 2022. (*See* Doc. 5-1.) Plaintiff failed to submit the Consent/Decline form in that instance as well.

III. CONCLUSION AND ORDER

Accordingly, the Court **ORDERS** Plaintiff to show cause in writing, **within 14 days** of the date of service of this order, why this action should not be dismissed for his failure to comply with the Court’s order of August 13, 2024. Alternatively, within that same time, Plaintiff may submit a completed Consent/Decline of U.S. Magistrate Judge Jurisdiction form.

Failure to comply with this Order to Show Cause (OSC) will result in a recommendation that this action be dismissed for Plaintiff’s failure to obey court orders.

IT IS SO ORDERED.

Dated: **September 25, 2024**


UNITED STATES MAGISTRATE JUDGE